

Vaughn R Walker
Law Office of Vaughn R Walker
Four Embarcadero Center, Suite 2200
San Francisco, CA 94111
Tel: (415) 871-2888
Fax: (415) 871-2890
vrw@judgewalker.com

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE CATHODE RAY TUBE (CRT) ANTITRUST
LITIGATION

MDL No 1917

This Order Relates to:
DAPs v Defendants

Master Case No 3:07-cv-05944SC

**ORDER RE DEFENDANTS' REQUEST FOR
DAP SETTLEMENT REPORT**

Pursuant to the court's order regarding Direct Action Plaintiff ("DAP") aggregate settlement amounts to be disclosed under an appropriately tailored seal to the attorneys in all DAP actions,¹ counsel on behalf of LG and other defendants² now requests that the

¹ October 7, 2015 Order, Dkt No 4102.

² The following Defendants join in the April 7, 2016 letter request submitted by counsel for LG: Chunghwa Picture Tubes, Ltd and Chunghwa Picture Tubes (Malaysia) SDN Bhd; LG Electronics, Inc; Panasonic Corporation (f/k/a Matsushita Electric Industrial Co, Ltd), Panasonic Corporation of North America, and MT Picture Display Co, Ltd; Koninklijke Philips NV, Philips Electronics North America Corporation, Philips Taiwan Limited and Philips do

undersigned release under appropriate seal a report of the aggregate settlement amount to date in the DAP actions. Apr 7, 2016 Brad Brian Letter (“Defendants’ request”). The October 7, 2015 Order directed the settling DAPs “to provide a copy of all settlement agreements to Special Master Walker for *in camera* review, each with a joint cover letter by relevant settling parties highlighting those portions relating to compensation and cooperation” and the Special Master to “aggregate compensation values and release, under an appropriately tailored seal, said aggregate value to all attorneys” in the DAP actions. See October 7, 2015 Order at 3. The order also provided an updating procedure that protected against deducing the amount of single settlement figures by requiring the Special Master to “delay such updates to ensure that the update includes new values from enough additional settlements (not fewer than two (2), absent compelling reason) that attorneys in other DAP cases cannot through simple math determine the amount paid in any one specific settling DAP case by comparing the change in value from one update to the next.” *Id* at 4.

In the meantime, some but not all DAPs provided their settlement agreements to the undersigned and a number of new stipulated dismissals of DAP actions have been recorded in the docket without submission of the corresponding settlement agreements to the undersigned. Based on a review of the DAP submissions and the current CRT docket, it appears that at least the following settlement agreements and executed terms of agreement³ should be submitted forthwith to the undersigned pursuant to the October 7, 2015 Order:

- All CRT settlement agreements involving Target, a DAP;

Brasil Ltda; Samsung SDI America, SDI Brasil Ltda, Shenzhen Samsung SDI Co, Ltd and Tianjin Samsung SDI Co, Ltd; Technologies Displays Americas LLC; and Thomson SA and Thomson Consumer Electronics, Inc.

³ DAP settlement agreements would include executed settlement agreements as well as executed terms of settlement where the terms of settlement have been agreed upon but not yet embodied in an executed settlement agreement. Submitting all such agreements at this time allows their inclusion in the aggregate settlement values to date, as required by the October 7, 2015 Order. To be clear, if an executed settlement agreement exists, it should be submitted and any executed terms of agreement need not be submitted. If an executed settlement agreement has not yet been finalized but executed terms of settlement have been reached, the executed terms of settlement should be submitted to the undersigned for inclusion in the report.

- Costco and Hitachi (*see* Dkt No 4143);
- Dell and Mitsubishi (*see* Dkt No 4156);
- Sharp and LG (*see* Dkt No 4290);
- Sears, Kmart and Thomson, Technicolor, TDA (*see* Dkt No 4374);
- Best Buy and Chunghwa (*see* Dkt Nos 4510, 4548);
- Costco and Mitsubishi (*see* Dkt No 4541);
- Circuit City and LG (*see* Dkt No 4542);
- Circuit City and Thomson, TDA (*see* Dkt 4543);
- Best Buy and Mitsubishi (*see* Dkt No 4549).

To the extent there are additional CRT settlement agreements including executed terms of settlement, involving any of the DAP actions, those should also be submitted promptly to the undersigned as part of the parties' ongoing duty to update the DAP settlement submissions.

Having not received any objection to Defendants' request and perceiving no reason not to continue implementing the October 7, 2015 Order, the undersigned shall undertake to analyze the DAP settlement submissions and issue a report. But to do so, the undersigned needs to include updated DAP settlement agreements including executed terms of agreement. Accordingly, by no later than April 18, 2016, each DAP shall submit all of its CRT settlement agreements including executed terms of agreement to the undersigned for *in camera* review along with a letter confirming that they have submitted all such settlement agreements including executed terms of agreement pursuant to the October 7, 2015 Order.

CONCLUSION

Defendants' request is **GRANTED**. No later than April 18, 2016, all DAPs shall submit their CRT settlement agreements including executed terms of agreement to date to the undersigned along with a letter confirming that they have submitted all such documents that exist to date. No later than April 20, 2016, each Defendant that has settled a DAP action shall

coordinate with their settling DAP to ensure that their settlement agreement or executed terms of agreement have been submitted to the undersigned on April 18, 2016. No later than April 21, 2016, each settling Defendant shall submit any settlement agreement or executed terms of agreement that may be missing from the April 16, 2016 DAP submissions and a letter confirming that all settlement agreements or executed terms of settlement of DAP actions to which they are a party have been submitted to the undersigned. The undersigned shall then prepare a report of the aggregate value of the settlements of all DAP actions to date and release it under appropriate seal to all attorneys in the DAP Actions.

IT IS SO ORDERED.

Date: April 11, 2016

Vaughn Walker /et
Vaughn R Walker
United States District Judge (Ret)

The Recommended Order of the Special Master is Accepted and Ordered /~~Denied~~/ ~~Modified~~.

Date: April 29, 2016

